

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOEL DONALD CARL,

Petitioner,

v.

SUPERINTENDENT, SCI COAL, et al.,

Respondents.

CIVIL ACTION
NO. 11-5176

ORDER

AND NOW, this 25th day of November 2015, upon careful and independent consideration of the Petition for a Writ of Habeas Corpus (Doc. No. 1), the Commonwealth's Response to the Petition (Doc. No. 19), Petitioner's Response to the Commonwealth's opposition to the Petition (Doc. No. 22), United States Magistrate Judge Timothy R. Rice's June 13, 2014 Report and Recommendation (Doc. No. 23), Petitioner's Objections to the June 13, 2014 Report and Recommendation (Doc. No. 24), Petitioner's Motion for Remand (Doc. No. 25), the Commonwealth's Response to the Motion to Remand (Doc. No. 29), Petitioner's Response to the Commonwealth's Opposition to the Motion to Remand (Doc. No. 30), Petitioner's Motion to Stay and Abey (Doc. No. 31), the Commonwealth's Response to the Motion to Stay and Abey (Doc. No. 32), Petitioner's Reply to the Commonwealth's Opposition to the Motion to Stay and Abey (Doc. No. 33), Magistrate Judge Timothy R. Rice's January 15, 2015 Report and Recommendation (Doc. No. 35), Petitioner's Objections to the January 15, 2015 Report and Recommendation (Doc. No. 36), and the pertinent state court record, and in accordance with the Opinion of the Court issued this day, it is **ORDERED** as follows:

1. The June 13, 2014 Report and Recommendation of United States Magistrate Judge Timothy R. Rice (Doc. No. 23) is **APPROVED** and **ADOPTED**;

2. The Petition for a Writ of Habeas Corpus (Doc. No. 1) is **DENIED**;
3. The January 15, 2015 Report and Recommendation of United States Magistrate Judge Timothy R. Rice (Doc. No. 35) is **APPROVED** and **ADOPTED**;
4. Petitioner's Motion to Remand to the Magistrate Judge (Doc. No. 25) is **DENIED**;
5. Petitioner's Motion to Stay and Abey His Application for a Federal Writ of Habeus Corpus (Doc. No. 31) is **DENIED**;
6. A Certificate of Appealability **SHALL NOT** issue because, based on the analysis contained in the Magistrate Judge's Reports and Recommendations, as approved and adopted by this Court, a reasonable jurist could not conclude that the Court is incorrect in denying and dismissing the Habeas Petition. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473 (2000); and
7. The Clerk of Court shall close this case for statistical purposes.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.